

12. Objectives of the Action: The actions proposed in the *Notice* are intended to reduce the workload in the Allocations Branch of the Policy and Rules Division of the FCC's Mass Media Bureau by eliminating an apparent incentive to challenge agency approval of another station's modification proposal.

13. Legal Basis: The proposed action is authorized under sections 4 and 303 of the Communications Act of 1934, as amended. 47 U.S.C. §§ 154, 303.

14. Reporting, Record-keeping and Other Compliance Requirements: None.

15. Federal Rules which Overlap, Duplicate or Conflict with the Proposed rule: None.

16. Description, Potential Impact and Number of Small Entities Involved: Approximately 11,000 existing television and radio broadcasters of all sizes may be affected by the proposals contained in this *Notice*.

17. Any Significant Alternatives Minimizing the Impact on Small Entities and Consistent with the Stated Objectives: The proposals contained in this *Notice* do not impose additional burdens on small entities.

18. As required by Section 603 of the Regulatory Flexibility Act, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities of the proposals suggested in this document. The IRFA is set forth above. Written public comments are requested on the IRFA. These comments must be filed in accordance with the same filing deadlines as comments on the rest of the *Notice*, but they must have a separate and distinct heading designating them as responses to the Initial Regulatory Flexibility Analysis. The Secretary shall send a copy of the *Notice of Proposed Rule Making*, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration in accordance with paragraph 603(a) of the Regulatory Flexibility Act. Pub. L. No. 96-354, 94 Stat. 1164, 5 U.S.C. Section 601 *et seq* (1981).

List of Subjects in 47 CFR Part 1

Administrative practice and procedure.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 95-18802 Filed 7-31-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Parts 61, 64, and 69

[CC Docket No. 95-116; FCC 95-284]

Telephone Number Portability

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission adopted a Notice of Proposed Rulemaking (Notice) seeking comment on a wide variety of policy and technical issues concerning the portability of telephone numbers. Number portability is the ability of end users to retain their telephone number when they switch to a new service provider, a new location, or a new service. Number portability provides consumers with greater personal mobility and flexibility in the way they use telecommunications services, and it fosters competition among alternative providers of local telephone and other telecommunications services. Through this Notice the Commission will examine the overall benefits, technical feasibility, and implementation costs of number portability in various forms.

DATES: Comments must be received on or before September 12, 1995; reply comments must be received on or before October 12, 1995.

ADDRESSES: Comments and reply comments must be filed with the Office of the Secretary, Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554; one copy shall also be filed with the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.), 2100 M Street, NW., Suite 140, Washington, DC 20037 (202/857-3800). The complete text of this Notice is available for inspection and copying during normal business hours in the FCC Reference Center, 1919 M Street, NW., Room 239, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Matthew J. Harthun, (202) 418-1590 or Carol E. Matthey, (202) 418-1580, Policy and Program Planning Division, Common Carrier Bureau.

SUPPLEMENTARY INFORMATION:

Synopsis of Notice of Proposed Rulemaking

A. Portability for Geographic Telephone Numbers

The Commission tentatively concludes that the portability of geographic telephone numbers benefits consumers by providing them greater personal mobility and flexibility in the use of telecommunications services and by contributing to the development of

competition among alternative providers of local telephone and other telecommunications services. The Commission seeks comment on this tentative conclusion and on the public interest benefits of number portability. Furthermore, the Commission tentatively concludes that it should assume a leadership role in developing a national number portability policy due to the impact on interstate telecommunications. It seeks comment on this tentative conclusion and on the specific nature of the Commission's role. The Commission recognizes, however, that it has insufficient information on the costs (monetary and nonmonetary) of making geographic telephone numbers portable either between service providers, services, or locations. Therefore, it seeks comment on: (1) The feasibility, limitations and costs of longer-term number portability solutions; (2) the feasibility, limitations, and costs of interim number portability measures; and (3) issues associated with a transition to a permanent number portability environment.

1. Importance of Number Portability

1. Service Provider Number Portability. In light of its tentative conclusions that the portability of geographic numbers benefits consumers and would contribute to the development of competition among alternative providers of local telephone services, the Commission identifies, and seeks comment on, specific issues concerning the competitive impact of number portability.

2. The competitive importance of service provider number portability depends primarily on the value that customers assign to their current telephone numbers. When end users attach a significant value to retaining their telephone numbers while changing service providers, a lack of number portability likely would deter entry by competitive providers of local services. Business customers, in particular, may be reluctant to incur the administrative, marketing, and goodwill costs of changing telephone numbers. These disincentives to changing service providers may be mitigated, however, if a significant number of customers change their telephone numbers for other reasons. Both residential and business customers change their numbers for a variety of reasons; for example, customers move to areas served by different central offices. Moreover, changes in area codes, such as area code splits or overlays, create a certain level of number churn.

3. The Commission asks commenting parties to provide studies, data, and

other information on the relative importance of service provider number portability to the decisions of end users when considering whether to take service from competing providers. It is particularly interested in assessing the importance of number portability relative to other potential deterrents to competitive entry into the provision of local services. Commenting parties also are invited to provide studies, data, and other information on the extent to which situations, such as number churn, and other factors enable competing providers of local telephone services to compete for customers without service provider number portability. Further, the Commission seeks specific information on whether different customer groups vary with respect to the value they assign to service provider number portability.

4. To the extent that wireless service providers offer services in competition with local telephone companies, a lack of service provider portability may significantly hamper their ability to compete efficiently to serve existing customers of the incumbent wireline service providers. Parties are asked to provide comment, studies, data, and other information on: (1) The competitive significance of service provider number portability for the development of competition between wireline and wireless service providers; and (2) the current, and estimated future, demand of wireless customers for portable wireless telephone numbers when they change their service provider either to another wireless service provider or to a wireline provider. The Commission previously sought comment on certain "number transferability" issues in the *Second CMRS Interconnection NPRM* (60 FR 20949, at ¶ 94, n. 192). It noted there that it might address those issues in this or in the *CMRS Interconnection* proceeding.

5. *Service Portability.* The need for service portability arises when a particular service is available only through a particular switch. The same factors that inhibit customers from changing number in order to change service providers may also deter customers from taking new services. The Commission seeks comment on the demand for service portability, and the extent to which a lack of service portability inhibits the growth of new services, such as integrated service digital network (ISDN). It seeks comment, studies, data, and other information on the relative importance of service portability to the decision of end users when considering whether to switch from one service to another. It

also seeks comment on what federal policy objectives would be served by encouraging (or possibly mandating) implementation of service portability, and steps the Commission could take to encourage service portability.

6. *Location Portability.* Today, telephone subscribers must change their telephone numbers when they move outside the area served by their current central office. Location portability would enable subscribers to keep their telephone numbers when they move to a new neighborhood, a nearby community, across the state, or even, potentially, across the country. The Commission seeks comment on the extent to which there is demand for location portability and the geographic area in which portability is desired by consumers. What federal policy objectives would be served by encouraging (or possibly mandating) implementation of location portability, and how could such objectives be attained? The Commission seeks comment on the potential impact that implementation of location portability for wireline telephone number may have on the development of the 500 personal communications services market. Conversely, it seeks comment on the cross-elastic effects of the availability of personal mobility services offered through 500 and wireless services on demand for location portability of wireline telephone numbers. Finally, it seeks comment, studies, data, or other information on the extent to which end users are requesting 800 numbers to obtain location portability.

2. The Commission's Role

7. Currently, it appears unlikely that market forces alone will drive the development and deployment of a number portability solution. The Commission seeks comment on whether there should be a regulatory mandate requiring the availability of number portability measures for geographic telephone numbers. Assuming market forces will push the development and deployment of number portability, the Commission seeks comment on whether market forces are sufficient to promote a nationwide, uniform development of number portability absent such a regulatory mandate.

8. The Commission tentatively concludes that it has a significant interest in promoting the nationwide availability of number portability due to the likely impact upon interstate telecommunications. In the United States, the same set of telephone numbers is used to route intrastate, and international telephone calls to

individual telecommunications customers. The Commission tentatively concludes that it is within the Commission's jurisdiction to ensure that the portability of telephone numbers within the numbering system is handled efficiently and fairly. The Commission also tentatively concludes that there is a federal interest in this area because deployment of different number portability solutions across the country would have a significant impact on the provision of interstate telecommunications services. Finally, the Commission tentatively concludes that it has a federal interest in fostering the development of number portability due to its interest in efficient use of the numbering resource.

9. The Commission recognizes that state regulators also have legitimate interests in the development of number portability, and that they are conducting tests and deploying number portability measures. While the Commission encourages these tests because they will provide empirical evidence and other relevant information, it notes that state requirements governing number portability should not thwart or impede national policies, such as nondiscrimination and competitive neutrality. The Commission seeks comment on areas where state and federal policies on number portability are likely to diverge or become inconsistent, and on the additional costs associated with having different number portability approaches on a state-by-state basis or on a regional basis. Parties should address the need to develop a uniform solution to the provision of number portability, and whether the deployment of different number portability methods across the country is in the public interest.

10. In the event the Commission concludes that number portability should be implemented on a nationwide basis, what specific actions can and should it take to expedite such implementation? For instance, should the Commission direct implementation of number portability by a date certain and direct an industry group to develop a detailed implementation plan? Alternatively, should the Commission adopt rules specifying how number portability shall be implemented? If it mandates implementation of specific number portability measures, upon whom should this obligation fall, and what is a realistic time frame in which that mandate should become effective?

11. Finally, the Commission seeks comment on its appropriate role in establishing technical and performance standards for number portability. Should it leave the establishment of

number portability standards to industry organizations and standards-setting bodies, and simply monitor the activities of these groups? Or, should it direct industry bodies to resolve certain issues (technical or otherwise)? If so, which issues should be designated for resolution by these groups, and to which organizations should they be directed? Is it reasonable for the Commission to establish deadlines for the resolution by industry of issues involving number portability? If so, parties should provide recommended time frames. Alternatively, should the Commission take a more active role in the development of such number portability standards? For example, should it develop, and mandate compliance with, particular number portability standards, or should it establish non-binding standards or guidelines?

3. Longer-Term Number Portability Solutions

12. The Commission seeks comment on what longer-term number portability solution is in the public interest. For purposes of this section, the Commission intends "number portability" to encompass service provider, service, and location portability because a method for providing location portability likely will also enable customers to change service providers and services without changing their telephone numbers. The Commission asks commenting parties to draw upon relevant information obtained through the various ongoing number portability trials.

13. *Current Proposals.* In response to the New York request for proposals (RFP), MCI Metro (partnered with DSC Communications, Northern Telecom, Tandem Computers, and Siemens Stromberg-Carlson) has proposed a database method that would enable end users within a particular geographic region (most likely a state) to retain their NXX code and line number if they change their local service provider. AT&T has proposed to the Industry Numbering Committee (INC) workshop a similar database method for providing service provider portability on a regional basis. The trial in Seattle, Washington is testing a method developed by Stratus Computer and U.S. Intelco—namely, a mapping scheme that uncouples the end user's telephone number from its geographic location. Finally, in the context of the INC number portability workshop, GTE has proposed to implement number portability by requiring customers to change, on a one-time basis, their

telephone number to, for example, a 700 number.

14. The Commission seeks comment on the advantages and disadvantages of the MCI Metro, AT&T, Seattle, and GTE proposals. It asks whether any of these proposals provide a workable model for national implementation of number portability for geographic numbers and whether there are other workable proposals.

15. The Commission tentatively concludes that a number portability environment should support operator services and enhanced 911 services. It seeks comment on the extent to which the various proposals support these services. The Commission also tentatively concludes that any number portability proposal should efficiently use telephone numbers. It seeks comment on the impact that each of the proposals would have on the numbering resource.

16. *Call Processing Scenarios.* The Commission seeks comment on which of the following three call processing scenarios, or any alternative, would best serve the public interest. The three scenarios are: (1) The terminating "access" provider (TAP) scenario, which places the burden of doing the database query on the terminating access provider; (2) the originating service provider (OSP) scenario, which requires the originating service provider to perform the database query and pass the information necessary to complete the routing of a call to subsequent carriers; and (3) the N-1 ("N minus 1") scenario, where the carrier immediately prior to the terminating service provider performs the database query. The Commission requests that commenters discuss the different burdens that each scenario would place on the relevant carriers involved, any methods that would reduce the number of database queries, the burden such scenarios would place on current SS7 networks and next-generation system signaling networks, and the network modifications such scenarios would require. The Commission also requests that commenters address the impact that any call processing scenario would have on transmission quality, call set-up time, and any other relevant service quality considerations. The Commission seeks comment on how various call processing scenarios would operate under the proposals offered by MCI Metro, AT&T, GTE, or any alternative, and on whether certain proposals are limited to specific call processing scenarios. It also seeks comment on which carrier, or carriers, perform the database query in the Seattle trial, and

what has been learned from that experience.

17. *Geographic Scope.* The Commission seeks comment on whether telephone numbers should be portable within local calling areas, throughout a particular area code, state-wide, regionally, nationwide, or on some other basis. What are the advantages and disadvantages of each of these alternatives, and what are the implications of each for carriers and their customers? For example, what changes would the different alternatives require for carrier billing systems? To what extent do varying approaches differently impact different types of carriers, such as local exchange carriers (LECs), new wireline carriers, and wireless carriers?

18. What is the geographic scope of the number portability trial in Seattle, and what geographic scope is contemplated in the proposals offered by MCI Metro, AT&T and GTE? The Commission seeks comment on whether these proposals could be used to provide number portability on a nationwide basis without significant network modifications.

19. *Architecture.* The Commission seeks comment on what database architecture would best serve the public interest. To what extent is the database used to provide 800 number portability a useful model? Is it technically feasible to deploy a single database to implement number portability on a nationwide basis, or should a database solution be designed to use a number of distributed (that is, regional) databases? If the latter, in what geographic areas should such databases operate, and what are the advantages, disadvantages, and relative costs of each approach?

20. The Commission also seeks comment on the method for administering and modifying the data contained in the database(s). Is it better to update and modify such data from a single, central location, or should that process be initiated by different sources? If a de-centralized system for updating the data is preferred, what processes will be required to ensure that the data in different databases is updated consistently and without discrepancies? The Commission also seeks comment on the types of information the database(s) will need to contain and who should be permitted access to such data.

21. *Administration of the Database.* The Commission seeks comment on who should own the database(s) used to provide a longer-term number portability solution. Further, it seeks comment on how such a database (or databases) should be maintained and

funded. The Commission seeks comment on the criteria that should be used to evaluate potential administrators of a number portability database system and who should select the administrator. Finally, the Commission seeks comment on the scope of responsibilities that should be placed on the administrator or administrators of such a database or databases.

22. *Costs and Cost Recovery Issues.* In order to weigh the public interest benefits of deploying a longer-term number portability solution against the current interim measures, the Commission must consider the costs associated with designing, building, and deploying such a longer-term solution. The Commission requests comment, data, studies and other information on the estimated costs to design, build, and deploy a longer-term database solution. The Commission also seeks comment on how these costs should be allocated between federal and state jurisdictions. Commenting parties should, to the extent possible, estimate both the total cost of infrastructure necessary to deploy number portability and the long-term incremental cost of deploying number portability, exclusive of other costs such as network equipment and hardware and software upgrades that would be incurred without implementation of number portability.

23. The Commission also seeks comment on how and from whom the costs of designing, building, deploying, and operating a database system should be recovered. If the Commission mandates that LECs implement number portability, should they be allowed to treat these as exogenous costs, and thereby increase their rates? Parties should comment on whether the costs of a database system should be shared between all carriers using the system. Alternatively, should competing providers of local telephone services and their customers bear the costs of such a database system?

4. Interim Number Portability Measures

24. To evaluate whether a transition to a longer-term number portability solution is in the public interest, the Commission must understand what measures are currently available for providing number portability.

25. The Commission seeks comment on the costs, and offsetting benefits, of implementing the interim number portability measures, such as remote call forwarding (RCF), flexible direct inward dialing (DID), and their derivatives. The Commission recognizes that RCF and flexible DID have significant limitations. Parties are asked

to comment and elaborate on the limitations and disadvantages of RCF, flexible DID, and their derivatives. Further, the Commission asks commenting parties to discuss the availability of these interim measures and their effectiveness as an interim substitute for a database number portability solution. Finally, parties should consider whether these interim measures can be improved so that they are workable, long-term solutions, and if so, at what cost.

26. *Cost Recovery for Interim Measures.* The Commission seeks comment on whether the costs of interim number portability measures should be recovered from the new local service providers, or their customers. The Commission also seeks comment on the amounts charged for these interim measures, whether such rates have a significant competitive impact, and whether reductions in such rates would make these measures more workable as long-term solutions. Finally, it asks parties to propose alternative ways to recover the costs of interim measures.

5. The Transition From Interim Portability Measures

27. It is not clear at this point whether the industry will move to a longer-term solution that provides only service provider number portability, or will evolve to a location portability environment. Commenting parties should identify any transitional issues that are unique to either environment and the particular impacts that short-term choices may have on longer-term possibilities.

28. *Transition to Service Provider Portability.* The Commission seeks comment on the estimated time frame to design, build, and deploy a system that would provide service provider portability. Commenting parties should address the modifications that would be necessary to implement a transition to service provider portability, including, but not limited to, modifications to the carriers' networks, operating procedures (for example, billing and collection procedures), and dialing plans. The Commission seeks comment on whether the ability to transfer wireless telephone numbers between different service providers (wireline and wireless) places the same burden on the LECs and other carriers as transferring wireline telephone numbers.

29. *Transition to Location Portability.* The Commission also seeks comment on the estimated time frame to design, build, and deploy a system capable of providing location portability. Commenting parties should address the modifications that would be necessary

to implement a transition to location portability, including, but not limited to, modifications to the carriers' networks, operating procedures (for example, billing and collection procedures), and dialing plans.

30. In a location portability environment, the association between telephone numbers and geographic locations will dissolve, and dialing parties may not be able to determine from the telephone number they dial the charge incurred by placing a telephone call. The Commission seeks comment on the impact that a transition to location portability would have on consumers, the network, service providers, and others. Are there ways to provide dialing parties notification of the charge they will incur when they dial a particular number? What effect will location portability have on operator services, director assistance, enhanced services, the way carriers determine rates for toll and interLATA calls, and billing systems? What impact would location portability have on the current administration of the numbering resource?

31. *Public Interest of a Transition to Longer-Term Solution.* To determine what would best serve the public interest, the Commission seeks comment comparing the relative costs and benefits associated with the current interim solutions to the costs and benefits associated with alternative longer-term solutions. In answering this question, parties are encouraged to focus on the costs and benefits of the specific proposals currently being tested in Seattle and developed by MCI Metro, AT&T, and GTE. Is it in the public interest to require only that carriers make available interim measures that accommodate number portability and not require the implementation of a longer-term number portability solution? The Commission also seeks comment on the additional costs that would be incurred, and the benefits that would be attained, by evolving to location portability from an intermediate step of service provider portability.

B. Portability for Non-geographic Telephone Numbers

32. The Commission tentatively concludes that service provider portability for 900 and 500 (PCS N00) numbers is beneficial for customers of those services. The Commission seeks comment on this tentative conclusion and on the costs (monetary and nonmonetary) of making such portability available. The term "PCS" is used here generically as "a set of capabilities that allows some

combination of personal mobility, terminal mobility, and service profile management." PCS N00 number portability includes 500 number portability. The term "PCS" or "personal communications services" as used here is different from the term "personal communications services" as defined in part 24 of the Commission's rules. (47 CFR 24.5). The Commission seeks to gather more information to determine whether the public interest would be served by mandating portability for 900 and PCS N00 services, and it considers other issues related to the implementation of such number portability.

33. The Commission seeks comment on whether developing and deploying a method for providing number portability for geographic telephone numbers could, or should, include service provider number portability for non-geographic telephone numbers, such as 500 and 900 numbers. It is technically possible, and cost effective, to use the same database method, and possibly the same database, to provide service provider portability for geographic and service-specific (non-geographic) telephone numbers? Similarly, is it technically possible, and cost effective, to use the same database to provide service provider portability for all types of non-geographic numbers, such as 800, 500, and 900 numbers, or is it preferable to use separate databases for each type of non-geographic number?

1. 900 Service Provider Portability

34. The Commission seeks comment on various issues relating to portability of 900 numbers. The Commission asks parties to address the extent to which 900 number portability will lower prices and thereby stimulate demand for 900 number services. Parties are asked to provide comment, studies, data, and other information on the estimated cost of designing, building, and deploying a 900 database, and the estimated costs of operating such a database. Is it technically feasible to upgrade the existing 800 database and associated software to accommodate 900 numbers, and if so, at what cost? Is advanced intelligent network (AIN) a less costly way to implement 900 number portability? The Commission also seeks comment on whether it should direct an industry group to develop an implementation plan for a 900 number portability database, and if so, to which industry group should this task be referred. If the Commission decides to mandate implementation of service provider portability for 900 numbers,

what is a realistic schedule for implementation?

2. 500 Service Provider Portability

35. Presently, LECs provide 500 access by two methods: Switch-based translation or database capabilities. The Commission seeks comment on the extent to which LECs are using AIN capabilities or database technology to provide 500 access, and on the impact that PCS N00 service provider portability would have on the LEC networks. The Commission also seeks comment on whether it is feasible (both technically and economically) to provide PCS N00 service provider portability in a switched-based translation environment.

36. The Commission asks parties to address the extent to which PCS N00 number portability will lower prices, and thereby stimulate demand for PCS N00 number services. Parties are asked to provide comment, studies, data, and other information on the estimated costs of designing, building, and deploying a PCS N00 database, and the estimated costs of operating such a database. The Commission seeks comment on whether it is technically feasible to upgrade the existing 800 database and associated software to accommodate PCS N00 numbers, and if so, at what cost.

37. On May 17, 1995, the INC submitted a report to the Bureau that sets forth alternative database architectures for such portability and an estimated implementation schedule. See letter from Denny Byrne and Robert Hirsch, Co-Chairs, INC, to Kathleen M.H. Wallman, Chief, Common Carrier Bureau, FCC, dated May 17, 1995, attaching *INC Report on PCS N00 Portability*, INC 95-05212-010 (*PCS N00 Portability Report*) (incorporated into the docket of this proceeding). The Commission seeks comment on the advantages, disadvantages, and relative costs of the proposed architectures and call flow scenarios set forth in the *PCS N00 Portability Report*.

38. The Commission tentatively concludes that the owner/operator of the service management systems administering the PCS N00 database should be a neutral third party. The Commission seeks comment on the tentative conclusion. The Commission also seeks comment on: (1) Who will be the owner/operator of the service management systems administering the data contained in the PCS N00 database; (2) how will the owner/operator be selected; (3) how will the costs of providing PCS N00 number portability be recovered; and (4) by what date should PCS N00 number portability be deployed.

39. The Commission further seeks comment on whether it should direct an industry group to proceed with the development of an implementation plan for PCS N00 service provider portability. Assuming such a directive is in the public interest, it seeks comment on what industry group (for example, Alliance for Telecommunications Industry Solutions or the Telecommunications Industry Association) should be selected to develop the detailed implementation plan for the database. Finally, the Commission asks parties to comment on the estimated implementation schedule set forth in the *PCS N00 Portability Report* and to propose an alternative schedule, if appropriate.

C. Procedural Matters

40. *Ex Parte*. This is a non-restricted notice and comment rulemaking. *Ex parte* presentations are permitted, except during the Sunshine period, provided they are disclosed as provided in the Commission's rules. (47 CFR 1.1202, 1.1203, and 1.1206(a)).

41. *Regulatory Flexibility Act*. As required by section 603 of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (1981), the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact on small entities resulting from the policies and proposals set forth in the *Notice*. The IRFA is contained in appendix A to the *Notice*. The Secretary shall cause a copy of the *Notice*, including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with section 603(a) of the Regulatory Flexibility Act.

42. *Notice and Comment*. Notice is given of the proposed changes in the Commission's policies regarding number portability. Comment is invited on the proposals pursuant to sections 1, 4(i), 4(j), 201-205, 218, and 332 of the Communications Act as amended, 47 U.S.C. 151, 154(i), 154(j), 201-205, 218, and 332. To file formally in this proceeding, parties must file an original and four copies of all comments, reply comments, and supporting comments. Parties wanting each Commissioner to receive a personal copy of their comments must file an original plus nine copies. Comments and reply comments should be sent to the Office of the Secretary, Federal Communications Commission, Washington, DC 20554. In addition, parties should file two copies of any such pleadings with the Policy and Program Planning Division, Common Carrier Bureau, Room 544, 1919 M Street, NW., Washington, DC 20554.

Parties should also file one copy of any documents filed in this docket with the Commission's copy contractor, International Transcription Service, Inc. (ITS, Inc.), 2100 M Street, NW., Suite 140, Washington, DC 20037 (202/857-3800). Comments and reply comments will be available for public inspection during regular business in the FCC Reference Center, Room 239, 1919 M Street, NW., Washington, DC.

D. Ordering Clauses

43. Accordingly, it is ordered that, pursuant to the authority contained in sections 1, 4(i), 4(j), 201-205, 218, and 332 of the Communications Act as amended, 47 U.S.C. 151, 154(i), 154(j), 201-205, 218, and 332, a notice of proposed rulemaking is hereby adopted.

44. It is further ordered that the Petition for Rulemaking filed by the Teleservices Industry Association on October 18, 1994, is granted.

List of Subjects in 47 CFR Parts 61, 64, and 69

Communications common carriers, Telephone.

Federal Communications Commissions.

William F. Caton,

Acting Secretary.

[FR Doc. 95-18801 Filed 7-31-95; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 95-113; RM-8664]

Radio Broadcasting Services; Salem, WV

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Salem-Teikyo University proposing the allotment of Channel 258A at Salem, West Virginia, as the community's second local FM transmission service. Channel 258A can be allotted to Salem in compliance with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 258A at Salem are North Latitude 39-17-00 and West Longitude 80-34-00. Since Salem is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before September 18, 1995 and reply comments on or before October 3, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: John F. Garziglia, Esq., Pepper & Corazzini, L.L.P., 1776 K Street NW., Suite 200, Washington, DC 20006 (Counsel for Petitioner).

FOR FURTHER INFORMATION CONTACT: Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-113, adopted July 7, 1995, and released July 26, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Andrew J. Rhodes,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 95-18792 Filed 7-31-95; 8:45 am]

BILLING CODE 6712-01-F

47 CFR Part 73

[MM Docket No. 95-120, RM-8650]

Radio Broadcasting Services; Premont, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition by Paulino Bernal, licensee of Station KMFM(M),

Channel 285A, Premont, Texas, seeking the substitution of Channel 264C3 for Channel 285A at Premont, Texas and modification of Station KMFM(FM)'s license to reflect the non-adjacent higher class channel. Channel 264C3 can be allotted to Premont in compliance with the Commission's minimum distance separation requirements with a site restriction of 7.7 kilometers (4.8 miles) east in order to avoid a short spacing conflict with the licensed site of Station KBDR(FM), Channel 263C2, Mirando City, Texas. The coordinates for Channel 264C3 at Premont are 27-21-35 and 98-02-45. Mexican concurrence will be requested for this proposal. In addition, in the event that competing expressions of interest are received, we may not modify petitioner's authorization since there are no additional Class C3 channels available for use by any other interested parties.

DATES: Comments must be filed on or before September 18, 1995, and reply comments on or before October 3, 1995.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Barry D. Wood, Jones, Waldo, Holbrook & McDonough, 2300 M Street NW., Washington, DC 20037 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Notice of Proposed Rule Making*, MM Docket No. 95-120, adopted July 14, 1995, and released July 26, 1995. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M Street NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in

Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.